

ORDINANCE NO. 3839

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 5.36.010 TO ADOPT BY REFERENCE A STATUTE CRIMINALIZING THE MAKING OR POSSESSING OF MOTOR VEHICLE THEFT TOOLS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Edmonds ("City") has jurisdiction to prosecute gross misdemeanors within the City; and

WHEREAS, the Municipal Court of the City ("Municipal Court") has jurisdiction to adjudicate only citations for criminal violation that violate City ordinance or Edmonds City Code ("ECC"); and

WHEREAS, the City may, by reference, adopt non-felony criminal codes in the Revised Code of Washington ("RCW") into the ECC, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amended. ECC 5.36.010 Theft, UIBC and related crimes. is hereby amended to read as follows (new text is shown in underline):

5.36.010 Theft, UIBC and related crimes.

The following statutes of the state of Washington, including all future amendments, are adopted by reference as if set forth in full herein:

RCW

9A.56.010 Definitions

9A.56.020 Theft – Definition, defense

9A.56.050 Theft in third degree

9A.56.060 (1)(2)(3)(5) Unlawful issuance of checks or drafts

9A.56.063 Making or possessing motor vehicle theft tools

9A.56.140 Possessing stolen property – Definition, credit cards, presumption
9A.56.170 Possession stolen property in the third degree
9.54.130 Restoration of stolen property – Duty of officers
9A.56.180 Obscuring identity of a machine
9A.56.220 Theft of cable television services
9A.56.230 Unlawful sale of cable television services
9A.56.240 Forfeiture and disposal of device used to commit violation
9A.56.250 Civil cause of action
9A.56.260 Connection of channel converter
9A.56.270 Shopping cart theft

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR MIKE COOPER

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	04-15-2011
PASSED BY THE CITY COUNCIL:	04-19-2011
PUBLISHED:	04-24-2011
EFFECTIVE DATE:	04-29-2011
ORDINANCE NO. <u>3839</u>	

SUMMARY OF ORDINANCE NO. 3839

of the City of Edmonds, Washington

On the 19th day of April, 2011, the City Council of the City of Edmonds, passed Ordinance No. 3839. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 5.36.010 TO ADOPT BY REFERENCE A STATUTE CRIMINALIZING THE MAKING OR POSSESSING OF MOTOR VEHICLE THEFT TOOLS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of April, 2011.


CITY CLERK, SANDRA S. CHASE

4817-0645-4025, v. 3

RCW 9A.56.063

Making or possessing motor vehicle theft tools.

(1) Any person who makes or mends, or causes to be made or mended, uses, or has in his or her possession any motor vehicle theft tool, that is adapted, designed, or commonly used for the commission of motor vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of motor vehicle theft, or knowing that the same is intended to be so used, is guilty of making or having motor vehicle theft tools.

(2) For the purpose of this section, motor vehicle theft tool includes, but is not limited to, the following: Slim jim, false master key, master purpose key, altered or shaved key, trial or jiggler key, slide hammer, lock puller, picklock, bit, nipper, any other implement shown by facts and circumstances that is intended to be used in the commission of a motor vehicle related theft, or knowing that the same is intended to be so used.

(3) For the purposes of this section, the following definitions apply:

(a) "False master" or "master key" is any key or other device made or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.

(b) "Altered or shaved key" is any key so altered, by cutting, filing, or other means, to fit multiple vehicles or vehicles other than the vehicles for which the key was originally manufactured.

(c) "Trial keys" or "jiggler keys" are keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(4) Making or having motor vehicle theft tools is a gross misdemeanor.

[2007 c 199 § 18.]

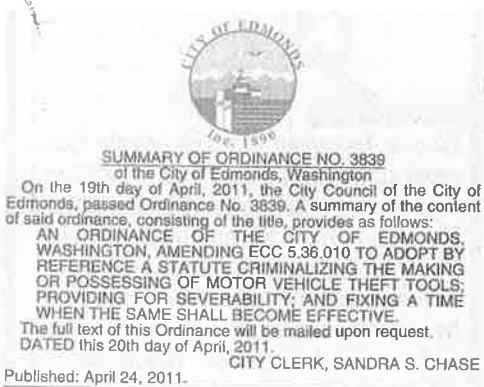
Notes:

Findings -- Intent -- Short title -- 2007 c 199: See notes following RCW 9A.56.065.

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance 3839

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

April 24, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Snoff

Principal Clerk

Subscribed and sworn to before me this

25th

day of April, 2011

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

APR 29 2011

EDMONDS CITY CLERK